

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 03-259
)	<u>See</u> Civil Action No. 09-1112
ANTONIO STITT,)	
)	
Defendant/petitioner.)	

O R D E R

AND NOW, this 26th day of April, 2011, upon consideration of Petitioner's Motion Under 28 U.S.C. §2255 to Vacate, Set Aside or Correct Sentence (document No. 176) filed in the above captioned matter on August 20, 2009, and upon further consideration of the Government's Response thereto, and the testimony and exhibits received at the November 18, 2010 hearing on Petitioner's Motion, and for the reasons set forth in this Court's Findings of Fact and Conclusions of Law filed herewith,

IT IS HEREBY ORDERED that Petitioner's Motion to Vacate is DENIED. Further, the Court will not issue a certificate of appealability. Such a certificate may issue under 28 U.S.C. §2255 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). For the reasons set forth in the Findings of Fact and Conclusions of Law filed herewith, petitioner has not made a substantial showing of the

denial of a constitutional right and a certificate of appealability,
accordingly, shall not issue.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record

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